

AMENDED IN ASSEMBLY APRIL 11, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 807**

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**Introduced by Assembly Member Ammiano**

February 21, 2013

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An act to amend Sections 13010.5, 13012, and 13012.5 of the Penal Code, relating to criminal justice statistics.

### LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Ammiano. Criminal justice statistics.

Existing law requires the Department of Justice to collect specified criminal justice information from local law enforcement agencies, to tabulate, analyze, and interpret the collected data, and to prepare an annual report presenting the criminal justice statistics for the previous year.

This bill would require the Department of Justice to include in the annual report additional statistical information relating to complaints received by law enforcement agencies, as specified, and criminal convictions of peace officers. The bill would also make technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 13010.5 of the Penal Code is amended  
2     to read:

1     13010.5. The department shall collect data pertaining to the  
2 juvenile justice system for criminal history and statistical purposes.  
3 This information shall serve to assist the department in complying  
4 with the reporting requirement of paragraphs (3) and (4) of  
5 subdivision (a) of Section 13012, measuring the extent of juvenile  
6 delinquency, determining the need for and effectiveness of relevant  
7 legislation, and identifying long-term trends in juvenile  
8 delinquency. Any data collected pursuant to this section may  
9 include criminal history information which may be used by the  
10 department to comply with the requirements of Section 602.5 of  
11 the Welfare and Institutions Code.

12     SEC. 2. Section 13012 of the Penal Code is amended to read:

13     13012. (a) The annual report of the department provided for  
14 in Section 13010 shall contain statistics showing all of the  
15 following:

16     (1) The amount and the types of offenses known to the public  
17 authorities.

18     (2) The personal and social characteristics of criminals and  
19 delinquents.

20     (3) The administrative actions taken by law enforcement,  
21 judicial, penal, and correctional agencies or institutions, including  
22 those in the juvenile justice system, in dealing with criminals or  
23 delinquents.

24     (4) The administrative actions taken by law enforcement,  
25 prosecutorial, judicial, penal, and correctional agencies, including  
26 those in the juvenile justice system, in dealing with minors who  
27 are the subject of a petition or hearing in the juvenile court to  
28 transfer their case to the jurisdiction of an adult criminal court or  
29 whose cases are directly filed or otherwise initiated in an adult  
30 criminal court.

31     (5) (A) The total number of each of the following:

32     (i) ~~Citizen's~~ *Citizens'* complaints received by law enforcement  
33 agencies under Section 832.5.

34     (ii) Complaints received by law enforcement agencies against  
35 the personnel of a department or agency that employs peace officers  
36 that are made by that personnel's supervisor or by the personnel  
37 of another department or agency that employs peace officers.

38     (iii) Complaints received by law enforcement agencies against  
39 the personnel of a department or agency that employs peace officers  
40 in which the identity of the complainant is unknown.

1 (B) The department shall categorize each complaint into one of  
2 the categories identified in clauses (i) to ~~(ix)~~ (viii), inclusive, and  
3 report the number of complaints received by law enforcement  
4 agencies within each of those categories.

5 (i) “Excessive force,” which means a complaint regarding the  
6 use or threatened use of excessive force against a person.

7 (ii) “Improper arrest,” which means a complaint that the restraint  
8 of a person’s liberty was improper or unjust, or violated the  
9 person’s civil liberties.

10 (iii) “Improper entry,” which means a complaint that the entry  
11 into a building or onto property was improper or that excessive  
12 force was used against property to gain entrance into a building  
13 or onto property.

14 (iv) “Improper search,” which means a complaint that the search  
15 of a person or property was improper.

16 (v) “Other criminal violation,” which means a complaint  
17 regarding the commission of an illegal act not otherwise specified.

18 (vi) “Differential treatment,” which means a complaint that the  
19 taking, failure to take, or method of police action was predicated  
20 upon irrelevant factors, including, but not limited to, race,  
21 appearance, age, or sex.

22 (vii) “Demeanor,” which means a complaint that the personnel’s  
23 bearing, gestures, language, or other characteristics or actions were  
24 inappropriate.

25 (viii) “Other rule violation,” which means a complaint for  
26 conduct that violates agency rules, but that is not encompassed in  
27 a category specified in clauses (i) to (vii), inclusive.

28 (C) The statistics required to be reported pursuant to this  
29 paragraph shall indicate, within each category of complaint  
30 identified in subparagraph (B), the number of complaints within  
31 each of the following disposition categories:

32 (i) “Sustained,” which means that the investigation disclosed  
33 sufficient evidence to prove the truth of the allegation in the  
34 complaint by a preponderance of the evidence.

35 (ii) “Exonerated,” which means that the investigation clearly  
36 established that the actions of the personnel that formed the basis  
37 of the complaint are not a violation of law or agency policy.

38 (iii) “Not sustained,” which means that the investigation failed  
39 to disclose sufficient evidence to clearly prove or disprove the  
40 allegation in the complaint.

1 (iv) “Unfounded,” which means that the investigation clearly  
2 established that the allegation is not true.

3 (D) The statistics required to be reported pursuant to this  
4 paragraph shall be reported for each individual law enforcement  
5 agency.

6 (6) The total number of felony and misdemeanor convictions  
7 incurred by peace officers for conduct occurring either on- or  
8 off-duty.

9 (b) It shall be the duty of the department to give adequate  
10 interpretation of the statistics and so to present the information  
11 that it may be of value in guiding the policies of the Legislature  
12 and of those in charge of the apprehension, prosecution, and  
13 treatment of the criminals and delinquents, or concerned with the  
14 prevention of crime and delinquency. The report shall also include  
15 statistics which are comparable with national uniform criminal  
16 statistics published by federal bureaus or departments heretofore  
17 mentioned.

18 SEC. 3. Section 13012.5 of the Penal Code is amended to read:

19 13012.5. (a) The annual report published by the department  
20 under Section 13010 shall, in regard to the contents required by  
21 subdivision (d) of Section 13012, include the following statewide  
22 information:

23 (1) The annual number of fitness hearings held in the juvenile  
24 courts under Section 707 of the Welfare and Institutions Code,  
25 and the outcomes of those hearings including orders to remand to  
26 adult criminal court, cross-referenced with information about the  
27 age, gender, ethnicity, and offense of the minors whose cases are  
28 the subject of those fitness hearings.

29 (2) The annual number of minors whose cases are filed directly  
30 in adult criminal court under Sections 602.5 and 707 of the Welfare  
31 and Institutions Code, cross-referenced with information about the  
32 age, gender, ethnicity, and offense of the minors whose cases are  
33 filed directly to the adult criminal court.

34 (3) The outcomes of cases involving minors who are prosecuted  
35 in adult criminal courts, regardless of how adult court jurisdiction  
36 was initiated, including whether the minor was acquitted or  
37 convicted, or whether the case was dismissed and returned to  
38 juvenile court, including sentencing outcomes, cross-referenced  
39 with the age, gender, ethnicity, and offense of the minors subject  
40 to these court actions.

1 (b) The department's annual report published under Section  
2 13010 shall include the information described in paragraph (4) of  
3 subdivision (a) of Section 13012, as further delineated by this  
4 section, beginning with the report due on July 1, 2003, for the  
5 preceding calendar year.

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